



STATE OF MARYLAND
MILITARY DEPARTMENT
FIFTH REGIMENT ARMORY
BALTIMORE, MARYLAND 21201-2288

MDNG-AG-SPMO

2 October 1989

SPMO POLICY/GUIDANCE LETTER #28

SUBJECT: Guidance on Trial/Probationary Ratings

SEE DISTRIBUTION

1. AUTHORITY:

- a. FPM 430, FPM 300 (315.8).
- b. TPR 430, TPR 300 (315.8).

2. SCOPE: This policy/guidance letter is designed to assist all managers and supervisors with the necessary procedures for new employees in the Maryland National Guard Technician workforce who will be serving a Trial (Excepted Employees)/Probationary (Competitive Employees) period.

3. PURPOSE OF TRIAL/PROBATIONARY PERIOD:

a. A new employee's trial/probationary period is designed to provide a consistent and equitable method of handling new employee's performance and other job-related problems thus minimizing the negative effects on the employee and the Maryland National Guard. Additionally, it is designed to provide a formal mechanism for reviewing a new employee's performance by pointing out both strengths and weaknesses.

b. Properly used, the trial/probationary period affords an opportunity for fostering the interest of the employee as well as the Maryland National Guard.

c. The trial/probationary period is for most appointees the first contact with the Federal Service and/or the Maryland National Guard Technician Program. Intelligent and considerate

This SPMO Policy/Guidance Letter supersedes SPMO Policy/Guidance Letter #28 dated 14 August 1987, same subject.

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treatment during the trial/probationary period will often have a lasting effect on the career of the employee, and will often save for useful and efficient Federal Service, employees who would otherwise be separated, or retained in positions in which they have little prospect of success.

4. DEFINITIONS:

a. Appraising Supervisor - The individual who is responsible for assigning and reviewing work, and is responsible to oversee performance of the technician being evaluated. This individual is normally the immediate supervisor.

b. Probationer - A newly appointed employee who must be observed during the first nine months (no later than the tenth month) of employment to determine whether he/she has the qualities needed for permanent Government Service (i.e., performance, conduct).

c. Trial/Probationary Period - Begins on the date employee is hired and ends on the last day of the employee's ninth month on the job.

d. NGB Form 430-1(T) - Performance Appraisal Form. This form is used to document whether the trial/probationary employee will or will not be retained.

5. RESPONSIBILITIES:

Support Personnel Management Office:

a. Notifies managers of the appropriate due date for trial/probationary ratings.

b. Reviews completed appraisal for timeliness, completeness, and conformance with the Performance Appraisal System.

c. Maintains necessary records, evaluates the effectiveness of the Performance Management Program at state level and brings to the attention of the Adjutant General those areas needing refinement or improvement.

Supervisors:

a. Ensure timely submission of Annual Performance Appraisal, Trial/Probationary Appraisal and established Performance Standards in accordance with prescribed suspense.

b. Appraise performance on a continuing basis and keep the employee informed as to how his/her performance compares to the established performance standards.

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c. Give guidance and assistance to each employee as necessary on how performance can be improved, if employee is not performing satisfactorily.

d. Provide training and/or closer supervision (if needed).

Technician:

a. Advise supervisor on special factors and circumstances that should be considered. Also, identify work problems and cooperate with supervisor in resolving any problems.

b. Remind (if needed) supervisor of required Annual Performance Appraisal or Trial/Probationary Appraisal.

6. NATIONAL GUARD TECHNICIAN - TRIAL/PROBATIONARY PERIOD:

a. Technicians serving a trial/probationary period must be carefully observed and appraised to determine whether they have the qualities needed for permanent Government Service. This period is normally for one year, which allows management a considerable amount of time to observe the new employee's overall performance.

b. This evaluation process is very important and should not be treated in a perfunctory manner. Therefore, management should encourage supervisors to demonstrate patience and understanding when dealing with subordinates, particularly new employees. New employees normally are not familiar with Federal employment, and getting them started properly may make the difference between an excellent worker and an ex-worker. During this period, supervisors must provide specific training and/or assistance necessary to improve and maintain the technician's work habits and job performance.

c. Again, the trial period must be served for 12 consecutive months.

(1) In the same type work.

(2) In the same state (same appointing office).

7. TRIAL/PROBATIONARY SYSTEM AND HOW IT WORKS:

a. The SPMO will notify managers of the requirement that a Trial/Probationary Appraisal is due in this office with a not later than date of 30 days after the Trial/Probationary Appraisal period. This notification will apprise managers of the following:

(1) Trial/probationary employee's name;

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(2) Trial/probationary period covered; and

(3) date the Trial/Probationary Appraisal is due in the SPMO.

b. The Trial/Probationary Appraisal will be submitted using NGB Form 430-1(T) with the following statement (providing Retention is recommended) on either side of the form:

"During this rating period, technician achieved and/or exceeded expected Performance Standards." The Trial/Probationary Appraisal period commences on the date in which the employee was appointed into the National Guard Technician Program and the Trial/Probationary Appraisal should be submitted nine months from the appointment date, keeping in mind that a trial period covers 12 months.

Example:

24 October 1988 (Date Joleen Collins was hired with no previous Federal Service).

24 October 1988 - 31 July 1989 (Joleen's Trial/Probationary Appraisal Period).

c. As can be seen above, Ms. Collin's Trial/Probationary Appraisal is not requested earlier than the ninth month, nor no later than the tenth month of the date from which she was appointed into Government Service.

8. RETAINING OR NOT RETAINING A TRIAL/PROBATIONARY EMPLOYEE:

a. The trial/probationary employee's immediate supervisor makes a determination no earlier than the beginning of the ninth month nor no later than the end of the tenth month as to whether or not he/she wishes to retain or not retain a trial/probationary employee. No portion of this paragraph is to be interpreted as preventing or discouraging the initiation of a removal action at anytime during this trial/probationary period.

b. If retention is recommended, no other action is required other than completing block #12 of NGB Form 430-1(T) and document the form with the statement mentioned in 7b.

c. If retention is not recommended, removal actions may be taken anytime within the first ten months, provided adequate documentation was maintained by the immediate supervisor and the following is adhered to:

(1) Ensured that the SPMO has a valid copy of the employee's Performance Standards and Critical Elements.

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(2) Ensured that the employee is fully aware of his/her duties and responsibilities, particularly major jobs elements, as listed on his/her Performance Standards and Critical Elements.

(3) At first notice of short falls, the supervisor formally counsels the employee on his/her specific weakness(es). (Formally - documented sessions).

(4) Ensured, if appropriate, counseling and training be on a continuing basis throughout the trial/probationary period.

(5) Ensured all counseling sessions were documented on NGB Form 904-1 (Supervisor's Record of Technician Employment).

(6) Ensured all additional training provided, whether in school attendance, or on the job training, be documented on NGB Form 904-1.

d. The SPMO requires that the above information be submitted in letter format along with NGB Form 430-1(T) indicating retention not recommended. Upon receipt, this office will, review the request for removal, and any supporting documents. "If it is determined that the request for removal is valid and warranted, the SPMO will take appropriate action to initiate a 30-day notice through the supervisor to the employee informing him/her of the decision to remove during Trial/Probationary period. The supervisor will ensure the employee signs and dates the removal letter and the supervisor should return signed copy of letter to the SPMO. NOTE: The employee will remain on duty 30 days after receipt of Termination Notice unless he/she chooses to depart earlier.

9. APPEAL RIGHTS:

a. The National Guard Technician Act requires that technicians be given at least 30 days advance written notice. Therefore, removal actions taken during the trial/probationary period must be preceded by such notice. If an advance notice is prepared by the supervisor, it must be coordinated with the SPMO to ensure regulatory compliance.

b. The removal action, including the 30-day notice, must be completed within the trial/probationary period.

c. The technician has no appeal rights during the trial/probationary period. 32 U.S.C. 709 precludes National Guard Technicians (Excepted/Competitive) from appealing their separation to the Merit System Protection Board.

10. EXTENSION OF TRIAL/PROBATIONARY APPROVAL: Extensions of trial/probationary ratings are not permitted. Therefore,

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managers/supervisors must make sure that all Trial/Probationary Appraisals are submitted to the SPMO not later than the end of the tenth month.

11. WHEN TO DO "A FIRST OFFICIAL APPRAISAL":

a. TPM 430 states, "A technician serving a trial/probationary period will not be given an Official Performance Appraisal until after completing the required 12 months of service." With that in mind, our policy is to request the First Official Appraisal 120 days after the completion of the one year requirement or on the end of the service computation month, whichever comes first.

Example:

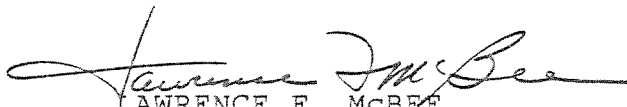
24 October 1988 (Date Joleen Collins was hired).

24 October 1988 - 31 July 1989 (Ms. Collin's Trial/Probationary Appraisal Period).

24 October 1989 - 28 February 1990 (Ms. Collin's First Official Appraisal Period), however, if Ms. Collin's Service Computation Date was credited as 24 July 1984 then there would be no requirement to appraise her in February 1990, instead her first official appraisal will commence 24 October 1989 and end 31 July 1990.

b. Keep in mind, the concept here is to get the trial/probationary employee on track with their service computation month, which will be the month in which his/her annual appraisal will be required.

FOR THE ADJUTANT GENERAL:


LAWRENCE F. MCBEE
COL, GS, MDARNG
Personnel Officer

DISTRIBUTION:

All Full-Time Support Managers/
Supervisors (Army and Air)